

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON NOVEMBER 19, 2008 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
 Walt Haynes, Vice Chair
 William Seitz, Secretary
 Bryan Rice, Member
 Steve Cochran, Member
 Frank Lau, Member
 Steve Howard, Member
 David Moore, Member
 Malvin Wells, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Zoning Technician
 Jamie MacLean, Development Planner
 Kevin Byrd, Comprehensive Planner

Absent: None

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Cochran and unanimously carried the agenda was approved as amended to include appointment of a nominating committee.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Cochran and unanimously carried the consent agenda was approved as presented.

PUBLIC HEARING:

No speakers.

OLD BUSINESS:

SU-2008-06129 - Request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) to amend existing special use permit to eliminate condition number (s) 3, 5, 7, 8, and 10 approved on February 23, 2004 at Oak Forest Mobile Home Park located at 1156 Hightop Road in the Planned Mobile Home Residential Park (PMR) zoning district.

Mr. Sandy stated the public hearing was held in October. Additional information had been submitted by the applicant regarding some of the issues discussed at the previous meeting. Potential road designs to meet VDOT criteria have been investigated. VDOT will not accept the road into the state system because it is owned by one entity and does not serve individual properties. Based on the requirements of the ordinance, the proposed expansion of the park would require that roads be upgraded to meet VDOT standards. Staff has researched the possibility of applying for a variance; however, the request would not meet the requirements of the state code.

Mr. Lau stated that since it is an existing park, the proposed units would be considered a build out, not expansion.

Mr. Sandy stated it was an interpretation issue. The county attorney and the zoning administrator have interpreted it to mean that since the use is expanding from 186 units to 214 units then the road should be upgraded.

Mr. John Neel, Gay & Neel, stated that the ordinance refers to expansion areas not the expansion of a park. The area in question is within the existing park, if the park was expanding to another piece of property the ordinance requirement would apply. The current park has 196 units which were approved in the 1960's prior to the establishment of the Planned Mobile Home Residential (PMR) zoning district. There are mitigating circumstances for constructing a road. He discussed the limitations such as grade, existing infrastructure, and topography. He presented plans for a private street and discussed the grade that could be obtained. This access point would be located 200 ft. from the existing access and would have a 19% grade. He discussed storm water management and noted that the developer would work with church to obtain their approval of the plan in writing. The church board has reviewed and discussed the plan and found it acceptable. The plan will not increase any storm water issues that have been experienced by the church.

Mr. Sandy stated that the project does meet the intention of affordable housing and was approved before with condition that the road would be upgraded to meet the ordinance requirements. The original park was approved for 186 units. The park had 196 units at the time of the application for the special use permit so the property was in violation. As part of the SUP approval the Board of Supervisors allowed those 10 units once other conditions were met and then approved further expanding to 219 units once the remaining conditions were met.

Mr. Miller stated the resolution approved by the Board of Supervisors does define the additional units as an expansion.

Mr. Moore stated the mobile home park is non-conforming. There should be other options for alleviating the nonconformity and allowing the additional units. Some examples being a pull off area for school children, bus shelter, additional recreation areas, etc. The use complies with and meets the goals of the comprehensive plan. It's not reasonable to construct a road.

Mr. Rice stated he was pleased that the applicant met with the church and is working to resolve the storm water problems. The field is the perfect location to add additional units. Reasonable effort has been made to bring the property in compliance. A new road is not feasible.

Mr. Miller noted that additional units mean additional children at an already dangerous bus stop.

Mr. Neel stated Montgomery County Schools has been contacted about alternatives and the possibility of allowing the bus to come into the park. The schools would not agree to any of the suggestions made. The owner will be willing to provide a bus shelter. The additional units would be a by-right density and do not exceed the allowable density. The existing entrance is as close to a VDOT entrance as possible.

Mr. Howard stated it appeared the main question was whether or not the proposed units are considered an expansion or a build out. Since no additional land is being acquired the proposal would not be an expansion.

Mr. Rice noted if they could not meet requirements maybe they can mitigate the impact.

Mr. Moore stated plans for improvements should be made available prior to approving the project.

Mr. Haynes stated the Board of Supervisors addressed the expansion because it is over the 196 allowed units.

Mr. Seitz stated that the regulations were there for a reason.

On a motion by Mr. Seitz, seconded by Mr. Howard and carried by a 8-1 vote (Lau opposed) the Planning Commission recommended denial of the request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) to amend existing special use permit to eliminate condition number (s) 3, 5, 7, 8, and 10 approved on February 23, 2004 at Oak Forest Mobile Home Park located at 1156 Hightop Road in the Planned Mobile Home Residential Park (PMR) zoning district.

NEW BUSINESS:

Mr. Sandy introduced Jamie MacLean, Development Planner and Kevin Byrd, Comprehensive Planner.

HS Tejas Preliminary Subdivision Approval

Mr. Sandy stated the Board of Supervisors approved the use of private streets with several conditions. The area for the helicopter landing will be maintained by the homeowners association and located on the Roanoke County portion of the property. The plat has been approved by staff and there are minor comments that need to be addressed. The applicant is requesting preliminary approval with conditions. Once conditions are met the final plat will be submitted for approval of the Planning Commission and Board of Supervisors.

Mr. Wells asked if the county could require citizens in Montgomery County to maintain a helipad in Roanoke County.

Mr. Sandy stated that the county attorney has stated that it could be required.

Mr. Rice stated a note on the plat is needed to indicate that the roads are private.

Mr. Neel noted it is the intent to notify everyone that purchases property within the subdivision to be fully aware that the road is private and will not be taken over. A note could be added to the actual plat.

Mr. Ralph Clements, Gay & Neel, stated the attorney prepared a document that has all legal terminology that is conveyed to all owners indicating the maintenance of the road.

On a motion by Mr. Haynes, seconded Mr. Howard and carried by a 7-2 vote (Moore and Lau opposed) the Planning Commission approved the Preliminary Plat for H.S. Tejas Subdivision (Gay & Neel, Inc., Job No. 1703.1 dated October 31, 2008) subject to the following seven (7) conditions:

1. The Virginia Department of Health shall review and approve private septic systems to be located on each of the lots they serve.
2. The County GIS Analyst shall approve the street names and E-911 addresses.
3. The County Attorney shall review and approve covenants and restrictions and road maintenance agreement for compliance with approved resolution (R-FY-09-31)

4. All remaining items on the Subdivision Application Report dated 11.12.08 shall be addressed.
5. The existing private road shall be covered by a Road Maintenance Agreement. This Road Maintenance Agreement shall include all members of the Homeowner's Association and shall specify that the cost of maintenance will be born by all members of the Association.
6. The County Attorney shall review and approve the "Notice to all potential purchasers" as described in R-FY-09-31 to ensure that said notice is attached to Covenants and deed restrictions, deed, and deed of all subsequent purchases.
7. A prominent note will be added to sheet 1 of Final Plat of Subdivision indicating that the subdivision is served by private roads.

Nominating committee

Mr. Miller appointed Mr. Moore, Mr. Haynes, and Mr. Cochran to serve as the nominating committee and present their report at the December meeting.

WORKSESSION:

On a motion by Mr. Lau, seconded by Mr. Rice and carried unanimously the planning commission entered into work session

Possible Zoning Ordinance Revisions

Mr. Byrd discussed draft amendments to the ordinance. The proposed amendments include:

- Home Occupation and Home Business definitions to allow the business to be conducted within an accessory structure.
- Boarding House and Half-Way House add definitions to the ordinance. Add use(s) to the zoning district(s) as by-right or special use permit.
- Planned Unit Development (PUD-Res) zoning district- change the qualifying land requirements.
- Airport Overlay District- modifications based on new airport plan and new FAA requirements
- Landscape Ordinance- revisions needed based on experience with implementation.
- Cluster Provisions- changes needed to meet the state requirements shall be by-right with administrative approval.
- Village Zoning- analyze data to determine how to best address the village zoning for implementation.

Mr. Byrd stated staff would like to schedule the minor amendments for public hearing in December and continue to research the other amendments.

It was the consensus of the planning commission to proceed.

VDOT Proposed Access Management Regulations

Mr. Sandy reviewed the proposed VDOT regulations for minor roads, collector streets, etc. that are scheduled to become effective October 2009. The requirements for major public roads have been implemented.

On a motion by Mr. Seitz, seconded by Mr. Cochran and carried unanimously the planning commission closed the work session

LIAISON REPORTS:

Board of Supervisors

No Report.

Agriculture & Forestal District

No Report.

Blacksburg Planning Commission

Mr. Haynes stated the BPC had several SUP requests and the council had approved Sonic Drive-In with conditions.

Christiansburg Planning Commission

Mr. Rice stated the commission was discussing requirements for parking garages.

Economic Development Committee

No Report.

Public Service Authority

Mr. Wells stated a special meeting was held on the 14th because Court Rosen had requested payment of facility fee be changed. The board agreed to allow him to pay 25% in fees up front and the remainder at the time the building permits are approved. A similar request from Henry Brabham has been made.

Parks & Recreation

Mr. Howard stated the parks and recreation committee discussed a planned proposal for a park next to the Elliston Fire Department. The meeting was hosted by Elliston Fire Department. The committee discussed repairs needed at the frog pond.

Radford Planning Commission

No Report.

School Board- Bill Seitz

No Report.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated the committee met in October; however, there was no planning related business.

Planning Director's Report

Mr. Sandy stated the annual PC dinner would be held on November 20, 2008 at Mountain Lake. Due to the holidays the planning commission meeting scheduled for December 17th would be cancelled.

There being no further business, the meeting was adjourned at 9:30 pm.